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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROGELIO CENICEROS FLORES,

Defendant.

CASE NO. 1:23-CR-00107-JLT-SKO

STIPULATION AND ORDER REGARDING
EXCLUDABLE TIME PERIODS UNDER SPEEDY
TRIAL ACT

STIPULATION

1. By previous order, this matter was set for status on August 7, 2024.
2. By this stipulation, defendant now moves to vacate the status conference on December 3, 2024, and to set a trial date of December 3, 2024. The parties further stipulate to exclude time between August 7, 2024, and December 3, 2024, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes reports, photographs, videos, cellular phone extractions, and other documents. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying. Initial discovery in this case was produced on or about June 1, 2023. Supplemental discovery was also produced on September 12, 2023 and December 19, 2023.
 - b) Counsel for defendant desires additional time consult with his client, to review the

1 current charges, to conduct investigation and research related to the charges, to review and copy
2 discovery for this matter, to discuss potential resolutions with their client, and to otherwise
3 prepare for trial.

4 c) Counsel for defendant believes that failure to grant the above-requested
5 continuance would deny them the reasonable time necessary for effective preparation, taking into
6 account the exercise of due diligence.

7 d) The government does not object to the continuance.

8 e) Based on the above-stated findings, the ends of justice served by continuing the
9 case as requested outweigh the interest of the public and the defendant in a trial within the
10 original date prescribed by the Speedy Trial Act.

11 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
12 et seq., within which trial must commence, the time period of August 7, 2024 to December 3,
13 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
14 T4] because it results from a continuance granted by the Court at defendant's request on the basis
15 of the Court's finding that the ends of justice served by taking such action outweigh the best
16 interest of the public and the defendant in a speedy trial.

17 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
18 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
19 must commence.

20 IT IS SO STIPULATED.

21
22
23 Dated: July 31, 2024

PHILLIP A. TALBERT
United States Attorney

24
25 /s/ ANTONIO J. PATACA
ANTONIO J. PATACA
26 Assistant United States Attorney
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1 Dated: July 31, 2024

/s/ VICTOR CHAVEZ

VICTOR CHAVEZ

Counsel for Defendant

ROGELIO CENICEROS FLORES

8 **ORDER**

9 IT IS SO ORDERED.

11
12 Dated: 7/31/2024

Sheila K. Oberto

The Honorable Sheila K. Oberto

UNITED STATES MAGISTRATE JUDGE